

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ARTUR PAYTYAN,

Plaintiff,

vs.

**GOVERNMENT EMPLOYEES
INSURANCE COMPANY
(GEICO),**

Defendant.

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Civil Action No. 3:15-CV-03343-N

JOINT MOTION TO REMAND

Plaintiff Artur Paytyan (hereafter “Plaintiff”) and Defendant Government Employees Insurance Company (hereafter “Defendant” or “GEICO”) hereby file this Joint Motion to Remand, and in support thereof show the Court as follows:

1. As this Court is aware, this suit concerns Plaintiff’s claims against GEICO based on allegations that, following an automobile accident on January 23, 2015, in which Plaintiff was involved with an unknown person, GEICO’s actions regarding its offer to resolve Plaintiff’s Uninsured/Underinsured Motorists (“UM/UIM”) claim arising out of that accident violated Texas Insurance Code section 541.060, *et seq.*

2. In light of those claims, the parties filed certain motions that are currently pending with this Court. Plaintiff filed a Motion for Leave to amend his Complaint to add as a party the individual claims examiner who handled Plaintiff’s UM/UIM claim pre-suit (Dkt. No. 10). And GEICO filed a Motion for Summary Judgment, or Alternative Motion for Abatement, with regard to Plaintiff’s claims that GEICO violated the Texas Insurance Code in the handling of Plaintiff’s UM/UIM claim (Dkt. No. 11). The Court has not yet ruled on either of these Motions.

3. The parties have now reached an agreement, in the interests of judicial economy and efficiency, to respectfully jointly request that this Court remand this action to the State Court from which it was removed, County Court at Law No. of Dallas County, Texas, in Cause No. CC-15-04636-B.

4. Remanding this matter back to State Court will afford the parties with an opportunity to minimize the time and expenses utilized in this case and further proceed to seek a resolution concerning Plaintiff's UM/UIM claim. Indeed, the parties have agreed among other things that, upon remand, Plaintiff will amend his Petition to take out any any allegations of bad faith or extra-contractual damages against GEICO, will proceed only on a claim or claims seeking UM/UIM benefits under the GEICO Policy at issue, and will forego any claims against the individual examiner who handled Plaintiff's UM/UIM claim.

5. This Joint Motion to Remand is not sought for the purpose of delay, but so that justice may be done.

6. WHEREFORE, Plaintiff and Defendant request that this Court grant their Joint Motion to Remand, and for such other and further relief to which they may be entitled.

Respectfully submitted this 12th day of April 2016.

By: /s/Christopher T. Colby

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By: /s/William L. Shirer

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CERTIFICATE OF SERVICE

I certify that on April 12, 2016 a true and correct copy of the above and foregoing instrument was served on the following counsel of record in accordance with the Federal Rules of Civil Procedure.

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